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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,794

03/08/2002

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1075.1193

3413

21171 7590 06/28/2007
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,794

Applicant(s)

ABIKO ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) 6,8,10,12,14,16,18,20,22,24,26 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,17,19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9,11,13,23,25 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1, 3-5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 30-32 have been considered.

Claim Objections

2. The claim objections have been withdrawn based on the filed amendment. It is noted that Applicant stated in this response that claims 1 and 7 were amended to change "with using" to "using" however, it was changed to "with".

Allowable Subject Matter

3. Claims 15, 17, 19, and 21 are allowed.

4. Reasons for allowance have been provided in the Office Action mailed 02/12/2007 and are not repeated here within.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by England et al. (US 6327652).

As per claims 1, 30, 31 and 32, England et al. discloses a storage medium for storing contents (see column 16 lines 50-52); application executing means for activating an application so that the application accesses the contents stored in the storage medium and effects a processing on the contents (see column 16 lines 52-55); access monitoring means for monitoring the status of access of the application to the contents by associating inherent information for the application brought into an activated status by the application execution means, with inherent information for the contents accessed by the application (see column 16 lines 50-67); filtering means for enciphering the contents with using the inherent information for the application when the application under the activated status writes the contents into the storage medium while deciphering the contents with the inherent information for the application when the application under the activated status reads out the contents in the storage medium (see column 16 lines 50-67 and column 17 lines 16-31); an operating system as software for

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controlling the execution of the application (see column 16 lines 50-55); the operating system assigns identification information to each process upon executing the application by the application executing means, and the access monitoring means utilizes the identification information as the inherent information for the application (see column 17 lines 16-31).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over England et al. in view of Mahne (US 6981141).

As per claim 3, England et al. fails to disclose the access monitoring means registers the inherent information for the application and the inherent information for the contents in a management table so that the inherent information for the

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application and the inherent information for the contents are associated with each other, and the access monitoring means monitors the status of access with the assistance of the management table.

However, Mahne teaches such registering (see column 8 line 17 through column 9 line 67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the registering in the England et al. system.

Motivation to do so would have been to locate the information on the server (see Mahne column 9 lines 1-67).

As per claim 4, the modified England et al. and Mahne system appears to be silent as to deleting information in the table. Examiner takes official notice that it is known to delete information in a table for a number of reasons, including saving space and resources. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to delete table information in the England et al. system for at least the reason that doing so frees up space. This statement is taken as admitted prior art because Applicant failed to traverse the Examiner's assertion of official notice. See MPEP 2144.03.

8. Claims 5, 7, 9, 11, 13, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified England et

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al. and Mahne system in view of Elrod (Elrod, Elliot.

"Partitioning Your Hard Drive". Beyond the Basics. September 2000. Pages 1-6).

As per claims 5, 23, and 25, the modified England et al. and Mahne system fails to disclose the specific use of a logical drive.

However, Elrod teaches at least one piece of logical drive is built in the storage medium and the contents is reserved in the logical drive (Elrod: pages 3-4); a file system for managing the logical drive is built in each of the logical drive (Elrod: pages 3-4); at least one file system is arranged to serve as an encryption file system which has a cryptographic attribute determined for each file or folder containing the contents, enciphers the contents at each file or folder upon storing the contents in the storage medium (Elrod: pages 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Elrod with those of England et al. because doing so makes the system more robust and secure, and even provides opportunities to better divide and separate data and improve data recovery options.

As per claims 7, 11, and 13, the modified England et al. and Elrod system discloses when the application reads out the

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contents stored in the logical drive managed by the encryption file system, the access monitoring means registers a file name of the file containing the contents read out by the application in the management table as the inherent information for the contents (see Mahne column 8 line 17 through column 9 line 67 and England et al. column 18 line 35 through column 19 line 49).

As per claim 9, the modified England et al., Mahne, and Elrod system fails to disclose when the application reads the contents stored in the logical drive managed by the encryption file system, the access monitoring means registers a drive name of the logical drive containing the contents read out by the application in the management table as the inherent information for the contents.

Examiner takes official notice that it is known in the art to use a drive name to identify data. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to use a drive name to identify data because a drive name is inherent information associated with, and used to identify, a storage location of contents. This statement is taken as admitted prior art because Applicant failed to traverse the Examiner's assertion of official notice. See MPEP 2144.03.

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Response to Arguments

9. Applicant's arguments filed 05/11/2007 have been fully considered but they are not persuasive. Applicant argues the England fails to teach using inherent information about an application, the identification information for each process.

With respect to Applicant's argument that England fails to teach using inherent information about an application, the identification information for each process, in column 17 lines 16-31 England states, "the DRMOS passes the seed 813 through a different hash algorithm for each application." Since a different hash is used for a seed provided by each application, this application must be identified using information about the application and its process(es) in order to select the correct hashing algorithm which is used to generate a key for the encryption of information. Therefore, England teaches using inherent information about an application, the identification information for each process. Furthermore, Applicant states that England does not teach a technique that makes it impossible to generate an encryption key reusable for the same application activated by a certain OS. It is noted that this feature is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is also noted that since Applicant has not traversed the Official Notice taken by the Examiner this Official Notice statement is taken to be admitted prior art. See MPEP 2144.03.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "MEMSY -

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Operating System Architecture" shows that an operating system assigns each application a unique id which all processes of the application inherit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER